

2020 MAY 26 P 1:27 Z-2789

ORDINANCE NO. 2020-18

CINDY MURRAY

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF TIPPECANOE COUNTY,
INDIANA, TO REZONE CERTAIN REAL ESTATE FROM R3U AND R2U TO R3U

BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA:

Section I: The Unified Zoning Ordinance of Tippecanoe County, Indiana being a separate ordinance and part of the Municipal Code of Lafayette, Indiana is hereby amended to rezone the following described real estate situated in Fairfield Township, Tippecanoe County, Indiana, to-wit:

See Attachment Exhibit A

Section II: The above described real estate should be and the same is hereby rezoned
from R3U and R2U to R3U.

Section III: This Ordinance shall be in full force and effect from and after its adoption.

**PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE,
INDIANA, THIS _____ DAY OF _____, 2020.**

Nancy Nargi, Presiding Officer

ATTEST:

Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the _____ day
of _____, 2020.

Cindy Murray, City Clerk

This Ordinance approved and signed by me on the _____ day of _____, 2020.

Tony Roswarski, Mayor

Attest:

Cindy Murray, City Clerk

Exhibit A

Parcel No. 79-07-29-235-008.000-004

A part of lots numbered four (4) and eleven (11) and a closed alley in an addition platted by Abraham Hathaway and William S. Crain, now known as Hathaway and Crain's Addition to the City of Lafayette, described as follows, to-wit: Beginning at the southwest corner of Lot No. eleven (11) running thence in a northerly direction along the west line of Lots No. Eleven (11) and Four (4) to a point six (6) feet north of the southwest corner of Lot No. Four (4); thence east fifty (50) feet to a point on the east line of Lot No. Four (4); thence south to a point on the south line of Lot No. Eleven (11); thence west fifty (50) feet along the south line of Lot No. Eleven (11) to the place of beginning, as platted upon a part of the Northeast Quarter of Section Twenty-nine (29) in Township Twenty-three (23) North, Range Four (4) West. Located in Fairfield Township, Tippecanoe County, Indiana.

Parcel Nos. 79-07-29-235-009.000-004 and part of 79-07-29-235-011.000-004

The East Half of lot 11 and vacated alley 12 feet of the north line of said lot, in Hathaway and Crain's Addition to the City of Lafayette. Said addition is laid out and platted upon a part of the East Half of the northeast quarter of Section 29, Township 23 North, Range 4 West.

THE

Area Plan Commission

of TIPPECANOE COUNTY

20 NORTH 3RD STREET
LAFAYETTE, INDIANA 47901-1209

(765) 423-9242
(765) 423-9154 [FAX]
www.tippecanoe.in.gov/apc

SALLIE DELL FAHEY
EXECUTIVE DIRECTOR

May 21, 2020
Ref. No.: 2020-118

Lafayette Common Council
20 N 6th Street
Lafayette, IN 47901

CERTIFICATION

RE: Z-2789 SPRING VALLEY MANAGEMENT, LLC (R2U & R3U to R3U):
Petitioner is requesting rezoning to legitimize an existing four-unit apartment building in order to renovate the building. The property is located downtown on the east side of S. 8th Street, specifically 9 South 8th Street, Lafayette, Fairfield 29 (NE) 23-4.

Dear Council Members:

As Secretary to the Area Plan Commission of Tippecanoe County, I do hereby certify that at a public hearing held on May 20, 2020 the Area Plan Commission of Tippecanoe County voted 16 yes - 0 no on the motion to rezone the subject real estate from R2U & R3U to R3U. Therefore, the Area Plan Commission of Tippecanoe County recommends to the Lafayette Common Council that the proposed rezoning ordinance be APPROVED for the property described in the attachment.

Public Notice has been given that this petition will be heard before the Lafayette Common Council at their June 1, 2020 regular meeting. Petitioners or their representatives must present their case.

Sincerely,



Sallie Dell Fahey
Executive Director

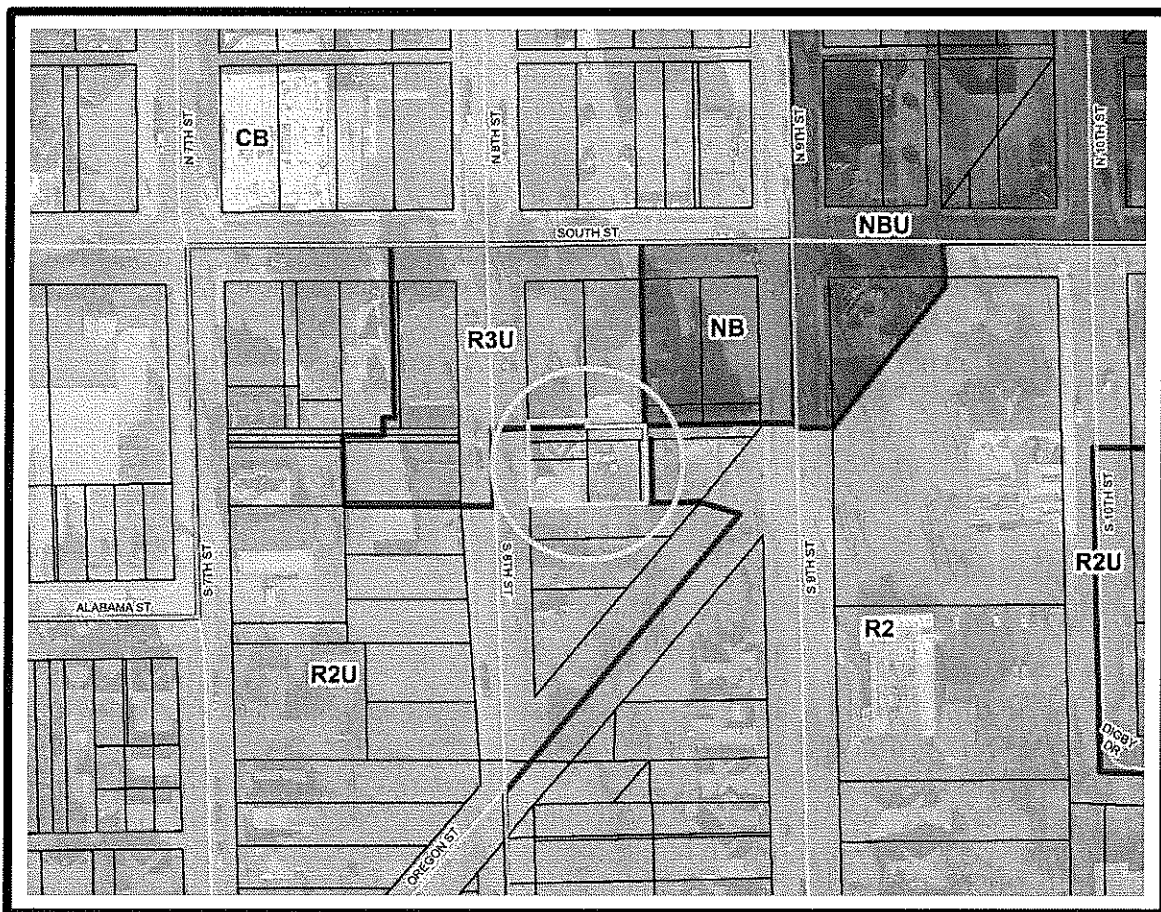
SDF/crl

Enclosures: Staff Report & Ordinances

cc: Jon Caron, Spring Valley Management, LLC
Christopher Shelmon, Gutwein Law
Jeromy Grenard, Lafayette City Engineer

Z-2789
SPRING VALLEY MANAGEMENT, LLC
(R2U & R3U to R3U)

STAFF REPORT
March 12, 2020



Z-2789
SPRING VALLEY MANAGEMENT, LLC
R2U & R3U to R3U

Staff Report
March 12, 2020

REQUEST MADE, PROPOSED USE, LOCATION:

Petitioner, with signed consent from Jon Caron, member and manager, represented by attorney Christopher Shelmon, is requesting rezoning to legitimize an existing four-unit apartment building in order to renovate the building. The property is located on the east side of S. 8th Street, specifically 9 South 8th Street, Lafayette, Fairfield 29 (NE) 23-4.

ZONING HISTORY AND AREA ZONING PATTERNS:

Residential zoning (R2U and R3U) is prevalent in the immediate vicinity. NB zoning is located northeast of the subject property. The most recent rezoning activity includes Z-2555 (PDCC to CB) and Z-2689 (NBU to CB) in 2013 and 2017 respectively.

AREA LAND USE PATTERNS:

The subject property contains an existing grandfathered four-unit apartment building, though it was originally constructed as a duplex. A diverse mix of single, duplex, and multi-family residential uses are found adjacent to the subject property with commercial and mixed-uses found to the north.

TRAFFIC AND TRANSPORTATION:

South 8th Street is an urban local road, according to the *Thoroughfare Plan*. Vehicular parking is currently found in a lot on the rear of the subject property with driveway access onto South 8th Street.

ENVIRONMENTAL AND UTILITY CONSIDERATIONS:

City utilities are available to serve the site.

STAFF COMMENTS:

The future land use plan for the *Ellsworth-Romig Historic Neighborhood Amendment* to the *Comprehensive Plan of Tippecanoe County* has designated this section of South 8th Street "Residential, Moderate Density". This land use category is defined in the plan as being "...typified by single-family and two-family housing...". The plan's recommendation for new multi-family housing is also tightly focused on "...the 100 block of S. 3rd and the 100, 200 and 300 blocks of S. 4th..." and having the character of being "...above a non-residential ground floor...", a mixed-use environment with residential atop commercial ground-floors.

The current building, originally constructed as a duplex, is generally in keeping with the historic architectural character of the neighborhood. If rezoned to a multi-family district, there are no guarantees for the neighborhood that any new multi-family construction, even if there are no immediate plans to redevelop, will serve Goal 1, Objective A of the plan which states:

"Maintain the Character of the Neighborhood – Since the Neighborhood has a Victorian, early 1900's workers' cottages, and some bungalows from the 1920's, members of the SNIC (Southside Neighborhood Improvement Coalition) feel that any newly constructed buildings should be in harmony with these historic structures."

While staff understands petitioner's desire to legitimize a grandfathered use and respects the fact that they are seeking to currently maintain the existing historic structure, there are no guarantees that this building's status, if the rezone is approved, will continue. And since no commitments can be approved, by ordinance and statute, which would prohibit demolishing this building and redeveloping in a style against the policies of the neighborhood plan and the fact that the neighborhood plan also expressly prohibits multi-family residential uses in this part of the neighborhood, staff cannot support this rezone petition.

STAFF RECOMMENDATION:

Denial